

Plaintiff's Name CARROLL, TREMAINE  
 Inmate No. WB1153  
 Address 1508  
CHOWCHILLA, CA 93610

**FILED**

JUL 28 2022

CLERK U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 DEPUTY CLERK

(Name of Plaintiff)

(Case Number)

1:22-cv-363 AWT  
BAM  
(PC)

vs.

CDCR, ET. AL, WARDEN  
PARRALES, B-FACILITY AWT/  
CPT/LT.'S/SGT.'S, J. HAYNES,  
VILLANUEVA, JANE/JOHN  
DOE(S) 1-50

(Names of all Defendants)

## AMENDED CIVIL RIGHTS COMPLAINT UNDER:

- ☒ 42 U.S.C. 1983 (State Prisoner)  
☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

**RECEIVED**

JUL 28 2022

CLERK U.S. DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 BY [Signature] DEPUTY CLERK

## I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

- A. Have you brought any other lawsuits while a prisoner? Yes ☒ No ☐  
 B. If your answer to A is yes, how many? UNKNOWN

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

## 1. Parties to this previous lawsuit:

Plaintiff CARROLL, TREMAINE  
 Defendants CDCR GREEN WALL MEMBERS, STAFF

## 2. Court (if Federal Court, give name of District; if State Court, give name of County)

UNKNOWN OTHER THAN DISTRICT COURT

3. Docket Number 3:20-cv-00079- 4. Assigned Judge BAS, RBM  
BAS - RBM

## 5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

SETTLEMENT AGREED NOT YET PAID

6. Filing Date (approx.) 20197. Disposition Date (approx.) 2022**II. Exhaustion of Administrative Remedies**

**NOTICE:** Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ☒ No ☐

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes ☒ No ☐

C. Is the process completed?

Yes ☒

If your answer is yes, briefly explain what happened at each level.

NOTHING HAPPENED AT EITHER LEVEL ON EITHER GRIEVANCE. THE GRIEVANCE SYSTEM IS A "SHAM" AND ACTUALLY ANOTHER GREEN WALL "COVER-UP" UNIT IN PLACE TO DISCOURAGE, RETALIATE, INTIMIDATE AND CIRCUMVENT DUE PROCESS RIGHTS TO REMEDY OR COUNSEL

No ☐

If your answer is no, explain why not.

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**III. Defendants**

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name PARALES is employed as WARDEN  
Current Address/Place of Employment P.O. BOX 1508 / CCWF, CHOWCHILLA, CA

B. Name J. HAYNES is employed as CORRECTIONAL OFFICER

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

C. Name VILLANUEVA is employed as CORRECTIONAL OFFICER

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

D. Name PADILLA is employed as CAPTAIN

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

E. Name JANE/JOHN DOE(S) is employed as %0, SGT, LT, AW, OTHER

Current Address/Place of Employment CCWF, P.O. BOX 1508 CHOWCHILLA, CA

**IV. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

**Claim 1:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

CRUEL & UNUSUAL PUNISHMENT, RECKLESS ENDANGERMENT, DELIBERATE  
INDIFFERENCE, FAILURE TO PROTECT, HATE CRIMES (LGBTQ)

**Supporting Facts** (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

ON 12/05/21, IN BUILDING 505 DAYROOM AT CCWF, %P JANE  
DOE PUNCHED PLAINTIFF IN FACE AND THREW HOT COFFEE  
IN HER FACE, ALL OF WHICH WAS CAPTURED ON AVSS AND  
OBSERVED BY FLOOR STAFF % VILLANUEVA AND PARTNER(S)  
JANE/JOHN DOE(S). NEITHER STAFF DID ANYTHING.  
RATHER THAN %P JANE DOE RECEIVING RVR AND  
REFERRAL TO LOCAL DA FOR PROSECUTION FOR HATE CRIME

SHE WAS REWARDED. % VILANUEVA AND PARTNER(S) FAILED TO PROTECT PLAINTIFF AT TIME OF ATTACK AND FROM FUTURE ATTACKS BY NOT PLACING 'P JANE DOE IN A-SEG NOR PLACING SEPERATION CHURNO IN PLACE TO PREVENT FUTURE ATTACKS. CCWF WARDEN, B-FACILITY AW, CPT, LT'S AND SGT'S FAILED TO SUPERVISE AND WILL BE NAMED (CURRENTLY JANE/JOHN DOES) UPON DISCOVERY DETAILING WHO WAS AT WORK ON 12/05/21. 'P JANE DOE WAS ENCOURAGED TO ASSAULT PLAINTIFF BASED ON PLAINTIFF'S LGBTQ/SB132 STATUS AND ROLES IN CARROLL V. TOELE AND ARMSTRONG V. NEWSOM.

**Claim 2:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

CRUEL & UNUSUAL PUNISHMENT, RECKLESS ENDANGERMENT, DELIBERATE INDIFFERENCE, FAILURE TO PROTECT, FAILURE TO SUPERVISE.

**Supporting Facts** (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

ON OR AROUND 12/03/22, THE SAME 'P JANE DOE IN CLAIM #1 VIOLENTLY ASSAULTED PLAINTIFF, PULLING HER OUT OF WHEELCHAIR AND PUNCHING HER OVER (10) TIMES IN THE FACE AND HEAD, ALL CAPTURED ON AVSS; YET UNOBSERVED BY AT LEAST (10) JANE/JOHN DOES(S) ASSIGNED WITH MONITORING YARD MOVEMENT DURING BREAKFAST, INCLUDING % VILANUEVA AND PARTNERS IN SOS. CCWF WARDEN, B-FACILITY AW, CPT, LT'S, SGT'S FAILED TO SUPERVISE AND FAILED TO PROTECT PLAINTIFF FROM 'P JANE DOE. EACH KNEW OR SHOULDVE KNOWN SHE WOULD ATTACK PLAINTIFF AGAIN AFTER GETTING AWAY WITH



IT THE FIRST TIME. 'P JANE DOE WAS AGAIN REWARDED RATHER THAN GIVEN AN RVR OR BEING PROSECUTED OR PLACED IN AD-SEG.

ON 03/03/22, THE SAME 'P JANE DOE IN CLAIMS #1 + #2 AGAIN ASSAULTED PLAINTIFF, WHICH WAS CAPTURED ON AVSS; YET UNOBSERVED BY AT LEAST (10) JANE/JOHN DOE(S) ASSIGNED WITH MONITORING MOVEMENT TO/FROM BREAKFAST - CCWF WARDEN, MW, CPT, LT'S, SGT'S (PLEASE SEE ATTACHED)

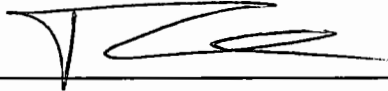
#### V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PLAINTIFF SEEKS APPOINTMENT OF COUNSEL TO BALANCE SCALES OF JUSTICE AND WANTS COURT TO ORDER JURY TRIAL, WHICH EACH ~~PLAINTIFF~~<sup>DEFENDANT</sup> FACING MONETARY LIABILITY IN THEIR OFFICIAL AND INDIVIDUAL CAPACITY(S) IN THE AMOUNT(S) FOUND FIT BY JURY. ORDER DISCOVERY SO PLAINTIFF CAN NAME JANE/JOHN DOE(S) I-SU

I declare under penalty of perjury that the foregoing is true and correct.

Date: 07/21/22

Signature of Plaintiff: 

(ATTACHED)

FAILED TO PROTECT PLAINTIFF FROM  
 'P JANE DOE. EACH KNEW OR SHOULDVE  
 KNOW 'P JANE DOE WOULD AGAIN ATTACK  
 PLAINTIFF AFTER GETTING AWAY WITH  
 IT TWICE BEFORE.

CLAIM #3

ON 07/02/22, 'O J. HAYNES VIOLATED CDCR  
 POLICY BY ENTERING SOS-23 TO AVOID AVSS  
 DETECTION AND PHYSICALLY ASSAULTED  
 PLAINTIFF AND PLAINTIFFS ROOM 'P PENNEWELL,  
 AILEKA. OFFICER HAYNES MADE HOMOPHOBIC  
 AND RACIST COMMENT WHEN STATING  
 BEFORE SLAPPING PLAINTIFF, "IM TIRED  
 OF YOUR PUNK ASS AND THIS BLACK BITCH"  
 'O PINEDA OBSERVED OFFICER HAYNES  
 PHYSICAL ATTACK ON 'P PENNEWELL AND  
 REPEATEDLY YELLED, "STOP HAYNES, SHE'S  
 RESPONDING". THERE ARE HUNDREDS IF  
 NOT THOUSANDS OF SIMILAR COMPLAINTS  
 ON RECORD AGAINST 'O HAYNES, WHO'S GONE  
 UNPUNISHED. 'O HAYNES SHOULD BE PROSECUTED  
 FOR HATE CRIMES. CCWF WARDEN, B-FACILITY  
 AW, CPT, LT'S, SGT'S FAILED TO PROTECT  
 PLAINTIFF FROM 'O HAYNES AND EACH  
 KNEW OR SHOULDVE KNOWN 'O HAYNES  
 WOULD CONTINUE UNLAWFUL BEHAVIOR BASED  
 ON A RECORD OF UNLAWFUL BEHAVIOR -  
 ACCORDING TO 'P JANE DOE IN CLAIMS #1, 2, 3,  
 'O HAYNES IS THE ONE WHO EMPLOYED  
 HER TO ATTACK PLAINTIFF AND SHIELDED HER.